

## **CONFERENCE COMMITTEE REPORT DIGEST FOR ESB 320**

**Citations Affected:** IC 10-13-3-37; IC 25-1; IC 25-21.8.

**Synopsis:** Massage therapists. Conference committee report for ESB 320. Establishes the state board of massage therapy to certify massage therapists. Specifies certification requirements. Establishes guidelines for the certification by endorsement of a massage therapist who holds a certification or license in another state. Establishes penalties for the unauthorized use of the title certified massage therapist. **(This conference committee report: (1) makes various changes to the certification of massage therapists; (2) removes provisions concerning psychological tests; and (3) makes technical and conforming changes.)**

**Effective:** July 1, 2007.

Adopted

Rejected

## CONFERENCE COMMITTEE REPORT

**MR. SPEAKER:**

*Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill No. 320 respectfully reports that said two committees have conferred and agreed as follows to wit:*

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 10-13-3-37 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 37. (a) Under Public
- 4 Law 92-544 (86 Stat. 1115), a local law enforcement agency may use
- 5 fingerprints submitted for the purpose of identification in a request
- 6 related to the following:
- 7 (1) A taxicab driver's license application.
- 8 ~~(2) An application for a license for a massage therapist.~~
- 9 ~~(3)~~ (2) Reinstatement or renewal of a **taxicab driver's** license.
- 10 ~~described in subdivisions (1) and (2).~~
- 11 (b) An applicant shall submit the fingerprints on forms provided for
- 12 the license application.
- 13 (c) The local law enforcement agency shall charge each applicant
- 14 the fees set by the department and federal authorities to defray the costs
- 15 associated with a search for and classification of the applicant's
- 16 fingerprints.
- 17 (d) The local law enforcement agency may:
- 18 (1) forward for processing to the Federal Bureau of Investigation
- 19 or any other agency fingerprints submitted by a license applicant;
- 20 and
- 21 (2) receive the results of all fingerprint investigations.
- 22 SECTION 2. IC 25-1-2-2.1, AS AMENDED BY SEA 490-2007,

SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.1. Rather than being issued annually, the following permits, licenses, certificates of registration, or evidences of authority granted by a state agency must be issued for a period of two (2) years or for the period specified in the article under which the permit, license, certificate of registration, or evidence of authority is issued if the period specified in the article is longer than two (2) years:

- (1) Certified public accountants, public accountants, and accounting practitioners.
- (2) Architects and landscape architects.
- (3) Dry cleaners.
- (4) Professional engineers.
- (5) Land surveyors.
- (6) Real estate brokers.
- (7) Real estate agents.
- (8) Security dealers' licenses issued by the securities commissioner.
- (9) Dental hygienists.
- (10) Dentists.
- (11) Veterinarians.
- (12) Physicians.
- (13) Chiropractors.
- (14) Physical therapists.
- (15) Optometrists.
- (16) Pharmacists and assistants, drugstores or pharmacies.
- (17) Motels and mobile home community licenses.
- (18) Nurses.
- (19) Podiatrists.
- (20) Occupational therapists and occupational therapy assistants.
- (21) Respiratory care practitioners.
- (22) Social workers, marriage and family therapists, and mental health counselors.
- (23) Real estate appraiser licenses and certificates issued by the real estate appraiser licensure and certification board.
- (24) Wholesale legend drug distributors.
- (25) Physician assistants.
- (26) Dietitians.
- (27) Hypnotists.
- (28) Athlete agents.
- (29) Manufactured home installers.
- (30) Home inspectors.
- (31) Registered interior designers.
- (32) Massage therapists.**

SECTION 3. IC 25-1-2-6, AS AMENDED BY SEA 490-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) As used in this section, "license" includes all occupational and professional licenses, registrations, permits, and certificates issued under the Indiana Code, and "licensee" includes all occupational and professional licensees, registrants, permittees, and certificate holders regulated under the Indiana Code.

(b) This section applies to the following entities that regulate

- 1 occupations or professions under the Indiana Code:
- 2 (1) Indiana board of accountancy.
- 3 (2) Indiana grain buyers and warehouse licensing agency.
- 4 (3) Indiana auctioneer commission.
- 5 (4) Board of registration for architects, landscape architects, and
- 6 registered interior designers.
- 7 (5) State board of barber examiners.
- 8 (6) State board of cosmetology examiners.
- 9 (7) Medical licensing board of Indiana.
- 10 (8) Secretary of state.
- 11 (9) State board of dentistry.
- 12 (10) State board of funeral and cemetery service.
- 13 (11) Worker's compensation board of Indiana.
- 14 (12) Indiana state board of health facility administrators.
- 15 (13) Committee of hearing aid dealer examiners.
- 16 (14) Indiana state board of nursing.
- 17 (15) Indiana optometry board.
- 18 (16) Indiana board of pharmacy.
- 19 (17) Indiana plumbing commission.
- 20 (18) Board of podiatric medicine.
- 21 (19) Private detectives licensing board.
- 22 (20) State board of registration for professional engineers.
- 23 (21) Board of environmental health specialists.
- 24 (22) State psychology board.
- 25 (23) Indiana real estate commission.
- 26 (24) Speech-language pathology and audiology board.
- 27 (25) Department of natural resources.
- 28 (26) State boxing commission.
- 29 (27) Board of chiropractic examiners.
- 30 (28) Mining board.
- 31 (29) Indiana board of veterinary medical examiners.
- 32 (30) State department of health.
- 33 (31) Indiana physical therapy committee.
- 34 (32) Respiratory care committee.
- 35 (33) Occupational therapy committee.
- 36 (34) Social worker, marriage and family therapist, and mental
- 37 health counselor board.
- 38 (35) Real estate appraiser licensure and certification board.
- 39 (36) State board of registration for land surveyors.
- 40 (37) Physician assistant committee.
- 41 (38) Indiana dietitians certification board.
- 42 (39) Indiana hypnotist committee.
- 43 (40) Attorney general (only for the regulation of athlete agents).
- 44 (41) Manufactured home installer licensing board.
- 45 (42) Home inspectors licensing board.
- 46 **(43) State board of massage therapy.**
- 47 ~~(43)~~ **(44)** Any other occupational or professional agency created
- 48 after June 30, 1981.
- 49 (c) Notwithstanding any other law, the entities included in
- 50 subsection (b) shall send a notice of the upcoming expiration of a
- 51 license to each licensee at least sixty (60) days prior to the expiration

of the license. The notice must inform the licensee of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the entity, the licensee is not subject to a sanction for failure to renew if, once notice is received from the entity, the license is renewed within forty-five (45) days of the receipt of the notice.

SECTION 4. IC 25-1-6-3, AS AMENDED BY SEA 490-2007, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) The licensing agency shall perform all administrative functions, duties, and responsibilities assigned by law or rule to the executive director, secretary, or other statutory administrator of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects, landscape architects, and registered interior designers (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) State board of cosmetology examiners (IC 25-8-3-1).
- (7) State board of funeral and cemetery service (IC 25-15-9).
- (8) State board of registration for professional engineers (IC 25-31-1-3).
- (9) Indiana plumbing commission (IC 25-28.5-1-3).
- (10) Indiana real estate commission (IC 25-34.1).
- (11) Real estate appraiser licensure and certification board (IC 25-34.1-8-1).
- (12) Private detectives licensing board (IC 25-30-1-5.1).
- (13) State board of registration for land surveyors (IC 25-21.5-2-1).
- (14) Manufactured home installer licensing board (IC 25-23.7).
- (15) Home inspectors licensing board (IC 25-20.2-3-1).

**(16) State board of massage therapy (IC 25-21.8-2-1).**

(b) Nothing in this chapter may be construed to give the licensing agency policy making authority, which remains with each board.

SECTION 5. IC 25-1-7-1, AS AMENDED BY SEA 490-2007, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. As used in this chapter:

"Board" means the appropriate agency listed in the definition of regulated occupation in this section.

"Director" refers to the director of the division of consumer protection.

"Division" refers to the division of consumer protection, office of the attorney general.

"Licensee" means a person who is:

- (1) licensed, certified, or registered by a board listed in this section; and
- (2) the subject of a complaint filed with the division.

"Person" means an individual, a partnership, a limited liability company, or a corporation.

"Regulated occupation" means an occupation in which a person is licensed, certified, or registered by one (1) of the following:

- 1 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 2 (2) Board of registration for architects, landscape architects, and
- 3 registered interior designers (IC 25-4-1-2).
- 4 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- 5 (4) State board of barber examiners (IC 25-7-5-1).
- 6 (5) State boxing commission (IC 25-9-1).
- 7 (6) Board of chiropractic examiners (IC 25-10-1).
- 8 (7) State board of cosmetology examiners (IC 25-8-3-1).
- 9 (8) State board of dentistry (IC 25-14-1).
- 10 (9) State board of funeral and cemetery service (IC 25-15-9).
- 11 (10) State board of registration for professional engineers (IC
- 12 25-31-1-3).
- 13 (11) Indiana state board of health facility administrators (IC
- 14 25-19-1).
- 15 (12) Medical licensing board of Indiana (IC 25-22.5-2).
- 16 (13) Indiana state board of nursing (IC 25-23-1).
- 17 (14) Indiana optometry board (IC 25-24).
- 18 (15) Indiana board of pharmacy (IC 25-26).
- 19 (16) Indiana plumbing commission (IC 25-28.5-1-3).
- 20 (17) Board of podiatric medicine (IC 25-29-2-1).
- 21 (18) Board of environmental health specialists (IC 25-32-1).
- 22 (19) State psychology board (IC 25-33).
- 23 (20) Speech-language pathology and audiology board (IC
- 24 25-35.6-2).
- 25 (21) Indiana real estate commission (IC 25-34.1-2).
- 26 (22) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- 27 (23) Department of natural resources for purposes of licensing
- 28 water well drillers under IC 25-39-3.
- 29 (24) Respiratory care committee (IC 25-34.5).
- 30 (25) Private detectives licensing board (IC 25-30-1-5.1).
- 31 (26) Occupational therapy committee (IC 25-23.5).
- 32 (27) Social worker, marriage and family therapist, and mental
- 33 health counselor board (IC 25-23.6).
- 34 (28) Real estate appraiser licensure and certification board (IC
- 35 25-34.1-8).
- 36 (29) State board of registration for land surveyors (IC
- 37 25-21.5-2-1).
- 38 (30) Physician assistant committee (IC 25-27.5).
- 39 (31) Indiana athletic trainers board (IC 25-5.1-2-1).
- 40 (32) Indiana dietitians certification board (IC 25-14.5-2-1).
- 41 (33) Indiana hypnotist committee (IC 25-20.5-1-7).
- 42 (34) Indiana physical therapy committee (IC 25-27).
- 43 (35) Manufactured home installer licensing board (IC 25-23.7).
- 44 (36) Home inspectors licensing board (IC 25-20.2-3-1).
- 45 **(37) State board of massage therapy (IC 25-21.8-2-1).**
- 46 ~~(37)~~ **(38)** Any other occupational or professional agency created
- 47 after June 30, 1981.

48 SECTION 6. IC 25-1-8-1, AS AMENDED BY SEA 490-2007,  
 49 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 50 JULY 1, 2007]: Sec. 1. As used in this chapter, "board" means any of  
 51 the following:

- 1 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 2 (2) Board of registration for architects, landscape architects, and
- 3 registered interior designers (IC 25-4-1-2).
- 4 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- 5 (4) State board of barber examiners (IC 25-7-5-1).
- 6 (5) State boxing commission (IC 25-9-1).
- 7 (6) Board of chiropractic examiners (IC 25-10-1).
- 8 (7) State board of cosmetology examiners (IC 25-8-3-1).
- 9 (8) State board of dentistry (IC 25-14-1).
- 10 (9) State board of funeral and cemetery service (IC 25-15).
- 11 (10) State board of registration for professional engineers (IC
- 12 25-31-1-3).
- 13 (11) Indiana state board of health facility administrators (IC
- 14 25-19-1).
- 15 (12) Medical licensing board of Indiana (IC 25-22.5-2).
- 16 (13) Mining board (IC 22-10-1.5-2).
- 17 (14) Indiana state board of nursing (IC 25-23-1).
- 18 (15) Indiana optometry board (IC 25-24).
- 19 (16) Indiana board of pharmacy (IC 25-26).
- 20 (17) Indiana plumbing commission (IC 25-28.5-1-3).
- 21 (18) Board of environmental health specialists (IC 25-32-1).
- 22 (19) State psychology board (IC 25-33).
- 23 (20) Speech-language pathology and audiology board (IC
- 24 25-35.6-2).
- 25 (21) Indiana real estate commission (IC 25-34.1-2-1).
- 26 (22) Indiana board of veterinary medical examiners (IC
- 27 15-5-1.1-3).
- 28 (23) Department of insurance (IC 27-1).
- 29 (24) State police department (IC 10-11-2-4), for purposes of
- 30 certifying polygraph examiners under IC 25-30-2.
- 31 (25) Department of natural resources for purposes of licensing
- 32 water well drillers under IC 25-39-3.
- 33 (26) Private detectives licensing board (IC 25-30-1-5.1).
- 34 (27) Occupational therapy committee (IC 25-23.5-2-1).
- 35 (28) Social worker, marriage and family therapist, and mental
- 36 health counselor board (IC 25-23.6-2-1).
- 37 (29) Real estate appraiser licensure and certification board (IC
- 38 25-34.1-8).
- 39 (30) State board of registration for land surveyors (IC
- 40 25-21.5-2-1).
- 41 (31) Physician assistant committee (IC 25-27.5).
- 42 (32) Indiana athletic trainers board (IC 25-5.1-2-1).
- 43 (33) Board of podiatric medicine (IC 25-29-2-1).
- 44 (34) Indiana dietitians certification board (IC 25-14.5-2-1).
- 45 (35) Indiana physical therapy committee (IC 25-27).
- 46 (36) Manufactured home installer licensing board (IC 25-23.7).
- 47 (37) Home inspectors licensing board (IC 25-20.2-3-1).
- 48 **(38) State board of massage therapy (IC 25-21.8-2-1).**
- 49 ~~(38)~~ **(39)** Any other occupational or professional agency created
- 50 after June 30, 1981.
- 51 SECTION 7. IC 25-1-11-1, AS AMENDED BY SEA 490-2007,

SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects, landscape architects, and registered interior designers (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) State board of cosmetology examiners (IC 25-8-3-1).
- (7) State board of registration of land surveyors (IC 25-21.5-2-1).
- (8) State board of funeral and cemetery service (IC 25-15-9).
- (9) State board of registration for professional engineers (IC 25-31-1-3).
- (10) Indiana plumbing commission (IC 25-28.5-1-3).
- (11) Indiana real estate commission (IC 25-34.1-2-1).
- (12) Real estate appraiser licensure certification board (IC 25-34.1-8).
- (13) Private detectives licensing board (IC 25-30-1-5.1).
- (14) Manufactured home installer licensing board (IC 25-23.7).
- (15) Home inspectors licensing board (IC 25-20.2-3-1).
- (16) State board of massage therapy (IC 25-21.8-2-1).**

SECTION 8. IC 25-21.8 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

## **ARTICLE 21.8. MASSAGE THERAPISTS**

### **Chapter 1. Definitions**

**Sec. 1. The definitions in this chapter apply throughout this article.**

**Sec. 2. "Board" means the state board of massage therapy established by IC 25-21.8-2-1.**

**Sec. 3. "Licensing agency" means the Indiana professional licensing agency established under IC 25-1-5-3.**

**Sec. 4. "Massage therapy":**

- (1) means the application of massage techniques on the human body;**
- (2) includes:**
  - (A) the use of touch, pressure, percussion, kneading, movement, positioning, nonspecific stretching, stretching within the normal anatomical range of movement, and holding, with or without the use of massage devices that mimic or enhance manual measures; and**
  - (B) the external application of heat, cold, water, ice, stones, lubricants, abrasives, and topical preparations that are not classified as prescription drugs; and**
- (3) does not include:**
  - (A) spinal manipulation; and**
  - (B) diagnosis or prescribing drugs for which a license is required.**

**Sec. 5. "Massage therapist" means an individual who practices massage therapy.**



**Chapter 2. State Board of Massage Therapy**

**Sec. 1. The state board of massage therapy is established.**

**Sec. 2. (a) The board consists of five (5) members appointed by the governor as follows:**

**(1) Three (3) massage therapists, each of whom:**

**(A) is certified under this article; and**

**(B) has been actively practicing massage therapy for at least three (3) of the five (5) years immediately preceding the individual's appointment.**

**(2) Two (2) members of the general public. A board member appointed under this subdivision must not:**

**(A) be certified under this article;**

**(B) be the spouse of an individual who is certified or intends to be certified under this article; or**

**(C) have a direct or an indirect financial interest in the profession regulated under this article.**

**(b) A massage therapist member of the board is not required to be a member of a professional massage therapy association. However:**

**(1) not more than one (1) massage therapist member appointed to the board may belong to the same professional massage therapy association; and**

**(2) one (1) massage therapist member must not be a member of a professional massage therapy association.**

**Sec. 3. Each member of the board shall serve a term of three (3) years and until the member's successor is appointed and qualified.**

**Sec. 4. (a) A vacancy in the membership of the board shall be filled by an individual appointed by the governor for the unexpired term.**

**(b) A member may not serve more than two (2) consecutive terms in addition to any unexpired term to which the individual was appointed. A member may serve until a successor has been appointed and qualified under this chapter.**

**(c) A member of the board may be removed for cause by the governor.**

**Sec. 5. (a) Each year the board shall elect from its members the following officers:**

**(1) A chairperson.**

**(2) A vice chairperson.**

**(b) A member serving as chairperson or vice chairperson shall serve until the member's successor as chairperson or vice chairperson is elected.**

**Sec. 6. The board shall meet at least one (1) time each calendar year upon the call of the chairperson or the written request of a majority of the members of the board and with the advice and consent of the executive director of the professional licensing agency.**

**Sec. 7. (a) Three (3) members of the board constitute a quorum.**

**(b) An affirmative vote of three (3) members of the board is necessary for the board to take official action.**

**Sec. 8. A member of the board is not entitled to a per diem**

allowance or any other compensation for the performance of the member's duties.

**Sec. 9. The board shall adopt rules under IC 4-22-2 regarding standards for the competent practice of massage therapy.**

**Chapter 3. Powers and Duties of the Board**

**Sec. 1. (a) The board shall do the following:**

- (1) Administer and enforce this article.
- (2) Adopt rules under IC 4-22-2 for the administration and enforcement of this article.
- (3) Judge the qualifications of applicants for certification under this article.
- (4) Issue, deny, or renew certifications under this article.
- (5) Subject to IC 4-21.5, IC 25-1-7, and IC 25-1-11, discipline individuals who are certified under this article for violations of this article.
- (6) Establish reasonable fees for examination, certification applications, renewal of certifications, and other services.
- (7) Maintain a record of all proceedings.
- (8) Maintain records of certified massage therapists.
- (9) Adopt at least two (2) examinations that an applicant may use for certification under this article.

**(b) The board may do the following:**

- (1) Conduct administrative hearings.
- (2) Administer oaths in matters relating to the discharge of the official duties of the board.

**Sec. 2. The licensing agency shall do the following:**

- (1) Carry out the administrative functions of the board.
- (2) Provide necessary personnel to carry out the duties of this article.
- (3) Receive and account for all fees required under this article.
- (4) Deposit fees collected with the treasurer of state for deposit in the state general fund.

**Chapter 4. Issuance of Certification**

**Sec. 1. An application for a massage therapist certification must be:**

- (1) made to the board in the form and manner provided by the board; and
- (2) accompanied by an application fee in the amount set by the board.

**Sec. 2. An individual who applies for certification as a massage therapist must do the following:**

- (1) Furnish evidence satisfactory to the board showing that the individual:
  - (A) is at least eighteen (18) years of age;
  - (B) has a high school diploma or the equivalent of a high school diploma;
  - (C) has successfully completed a massage therapy school or program that:
    - (i) requires at least five hundred (500) hours of supervised classroom and hands on instruction on

1           massage therapy;

2           (ii) is in good standing with a state, regional, or national  
3           agency of government charged with regulating massage  
4           therapy schools or programs; and

5           (iii) is accredited by the Indiana commission on  
6           proprietary education established by IC 20-12-76-11 or  
7           accredited by another state where the standards for  
8           massage therapy education are substantially the same as  
9           the standards in Indiana, or is a program at an  
10          institution of higher learning that is approved by the  
11          board; and

12          (D) has taken and passed a certification examination  
13          approved by the board.

14          (2) Provide a history of any criminal convictions the  
15          individual has, including any convictions related to the  
16          practice of the profession. The board shall deny an application  
17          for certification if the applicant:

18           (A) has been convicted of:

19           (i) prostitution;

20           (ii) rape; or

21           (iii) sexual misconduct; or

22           (B) is a registered sex offender.

23          (3) Verify the information submitted on the application form.

24          (4) Pay fees established by the board.

25          Sec. 3. An individual who is not certified under this article may  
26          not:

27           (1) profess to be a certified massage therapist; or

28           (2) use:

29           (A) the title "Certified Massage Therapist" or "Massage  
30           Therapist"; or

31           (B) the abbreviation "CMT" or "MT" to imply the person  
32           is a certified massage therapist.

### 33          Chapter 5. Certification by Endorsement

34          Sec. 1. (a) The board may grant certification by endorsement to  
35          an individual who:

36           (1) is licensed, certified, or registered in another state having  
37           credentialing standards that are at least as strict as the  
38           credentialing standards specified under this article;

39           (2) is in good standing with the standards of the other state or  
40           country;

41           (3) pays an application fee established by the board; and

42           (4) provides a history of the individual's criminal convictions,  
43           if any, including any criminal convictions relating to the  
44           practice of the profession.

45          (b) The board shall deny an application for certification if the  
46          applicant:

47           (1) has been convicted of:

48           (A) prostitution;

49           (B) rape; or

50           (C) sexual misconduct; or

51           (2) is a registered sex offender.

(c) An applicant for a certification by endorsement shall cause each state that previously credentialed the applicant to provide the board with the applicant's current status in the state.

#### **Chapter 6. Certification Renewal**

**Sec. 1.** A certification issued by the board is valid for four (4) years. A certification expires at midnight on the date established by the licensing agency under IC 25-1-6-4 and every four (4) years thereafter, unless renewed before that date.

**Sec. 2.** An individual who applies to renew certification as a massage therapist must:

(1) apply for renewal in the manner required by the board; and

(2) pay a renewal fee established by the board.

**Sec. 3.** If a renewal application is not submitted within the time under section 1 of this chapter, the board shall charge the applicant a reinstatement fee in an amount established under IC 25-1-8-6.

#### **Chapter 7. Discipline and Violations**

**Sec. 1. (a)** This section does not apply to the violation of a rule adopted by the board.

(b) A person who knowingly violates or causes a violation of this article commits a Class C misdemeanor.

**Sec. 2.** The board shall follow the disciplinary procedures established under IC 25-1-7 and IC 25-1-11.

**Sec. 3.** If an individual certified under this article is convicted of a crime, the individual is responsible for notifying the board not later than thirty (30) days after the conviction.

**SECTION 9. [EFFECTIVE JULY 1, 2007]** (a) As used in this SECTION, "board" refers to the state board of massage therapy established by IC 25-21.8-2-1, as added by this act.

(b) The governor shall make initial appointments to the board not later than January 1, 2008. The initial members of the board shall serve for the following terms:

(1) One (1) member appointed under IC 25-21.8-2-2(1), as added by this act, serves for one (1) year.

(2) One (1) member appointed under IC 25-21.8-2-2(1), as added by this act, and one (1) member appointed under IC 25-21.8-2-2(2), as added by this act, serve for two (2) years.

(3) One (1) member appointed under IC 25-21.8-2-2(1), as added by this act, and one (1) member appointed under IC 25-21.8-2-2(2), as added by this act, serve for three (3) years.

(c) An individual who does not meet the requirements of IC 25-21.8-2-2(1), as added by this act, may be appointed to the board if the individual:

(1) substantially meets the requirements of licensure under IC 25-21.8, as added by this act;

(2) currently practices massage therapy in Indiana; and

(3) has practiced massage therapy in Indiana after June 1, 2004, for at least three (3) consecutive years.

(d) The three (3) members appointed under IC 25-21.8-2-2(1), as added by this act, are not required to be members of a

professional massage therapy association. However:

(1) not more than one (1) massage therapist member appointed to the board may belong to the same professional massage therapy association; and

(2) one (1) massage therapist member must not be a member of a professional massage therapy association.

(e) This SECTION expires July 1, 2011.

SECTION 10. [EFFECTIVE JULY 1, 2007] (a) Notwithstanding IC 25-21.8-2-2, as added by this act, the state board of massage therapy established by IC 25-21.8-2-1, as added by this act, may issue a certification before July 1, 2009, to an applicant who practiced massage therapy in Indiana after June 30, 2001, and before July 1, 2009, if the applicant meets the condition set forth in one (1) of the following subdivisions:

(1) Either:

(A) provides the board with Internal Revenue Service income tax return forms from two (2) consecutive years that reflect that the applicant has been employed in the practice of massage therapy;

(B) provides the board with business records from two (2) consecutive years that reflect that the applicant has been employed in the practice of massage therapy; or

(C) has completed at least five hundred (500) hours of supervised classroom and hands on instruction.

(2) Provides a copy of a diploma, a transcript, a certificate, or another proof of completion of:

(A) a massage therapy school accredited by:

(i) the Indiana commission on proprietary education established by IC 20-12-76-11; or

(ii) another state where the standards for massage therapy education are substantially equivalent to the standards in Indiana; or

(B) a program at an institution of higher learning that is approved by the board.

(b) An applicant who begins practicing massage therapy in Indiana after January 1, 2009, must meet the certification requirements set forth in IC 25-21.8, as added by this act, to be certified under IC 25-21.8, as added by this act.

(c) Notwithstanding IC 25-21.8-4-2 and IC 25-21.8-5, both as added by this act, the state board of massage therapy may issue a certification to an applicant who:

(1) before July 1, 2007, enrolled in a massage therapy school or program that:

(A) required at least five hundred (500) hours of supervised classroom and hands on instruction; and

(B) was in good standing with a state, regional, or national agency of government charged with regulating massage therapy or programs; and

(2) before January 1, 2008, completes the requirements of the massage therapy school or program described in subdivision (1).

1           **(d) This SECTION expires July 1, 2010.**  
2           SECTION 11. [EFFECTIVE JULY 1, 2007] **(a) Before December**  
3           **31, 2008, the state board of massage therapy established by**  
4           **IC 25-21.8-2-1, as added by this act, shall adopt at least two (2)**  
5           **certification examinations as required under IC 25-21.8-3-1(a)(9),**  
6           **as added by this act, that an individual may use as the basis for**  
7           **complying with IC 25-21.8-4-2(1)(D), as added by this act.**  
8           **(b) This SECTION expires December 31, 2009.**  
          (Reference is to ESB 320 as reprinted (printer's error) April 3,  
2007.)

**Conference Committee Report**  
**on**  
**Engrossed Senate Bill 320**

**S**igned by:

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Senator Miller  
Chairperson

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Representative Klinker

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Senator Errington

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Representative Frizzell

**Senate Conferees**

**House Conferees**